

THE MARITIME CODE

OF THE

MALAYS.

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PART II.

(Continued from Journal No. 3, p. 81.)

The long admitted opinion that the Malays possess no records whatever of their laws and customs, and that they are solely governed in their disputes by established customs and usages, referred to as occasion may require from memory only, seems to have been much strengthened by the observations contained in Mr. MARSDEN'S account of Sumatra; which, from its being the only standard book in the English language containing a detailed account of the Eastward, appears to have been considered by many as applying generally, and thus calculated to fit all the countries denominated Malayan; whereas, the Island of Sumatra possesses in itself an almost inexhaustible fund for research and enquiry; and can only be considered as one of the almost innumerable States, and by no means the greatest in population or even in extent, of that comprehensive and unparalleled archipelago throughout which the Malayan nation is established.

The Island of Sumatra, as well as the Island of Java, Tanah Ugi or Bugis land (Celebes), Sulu, and the Moluccas (which, with Borneo, compose what may be properly termed the Malayan group) are peopled by nations radically distinct from the Malays; who speak languages entirely different, and use various written characters original and peculiar to each; these nations are governed by

their own Laws and Institutes; and if we except the State of Menangkabau on the Island of Sumatra, it is on the shores of these Islands only, and in the Malay Peninsula, that the Malays are to be found. Whatever may have been the origin of the *Malayan* nation, the population of these various and extensive Islands could never, according to any natural inference, have proceeded from the Malays; but the reverse, more probably, may have been the case, whatever may have been the extent borrowed from a more foreign source.

Notwithstanding, therefore, the idea of Mr. MARSDEN that the various dialects of the Malayan tongue have experienced such changes with respect to the purposes of intercourse, that they may be classed into several languages differing considerably from each other, I cannot but consider the Malayan nation as one people, speaking one language, though spread over too wide a space to preserve their character and customs in all the maritime States lying between the Sulu Sea and the Southern Ocean, and bounded longitudinally by Sumatra and by the Western side of Papua or New Guinea; but as that point more naturally belongs to a dissertation on the origin of the nation and of its language, it need not be attended to here (where the subject is only alluded to); as it might be necessary, in finding out those boundaries to which the *Malayan* laws extend, to establish such distinctions and general definitions as may assist in its explanation and more ready comprehension.

The laws and customs of the Malays may, therefore, be considered either separately, or as they have reference to those of the more ancient and original inhabitants of the Eastern Islands with whom they are now so intimately connected. What may be termed the proper laws and proper customs of the Malayan nation, as it at present exists, will first be adverted to.

Independently of the Laws of the Koran, which are more or less observed in the various Malay States according to the influence of their Arabian and Mahomedan Teachers, seldom further than they affect matters of religion, marriage, and inheritance, they possess several Codes of Laws denominated *Undang undang*, or Institutes, of different antiquity and authority, compiled by their respective sovereigns; and every State of any extent possesses its own *Undang undang*. Through the whole there appears a general accordance; and where they differ, it is seldom beyond what situa-

tion and superior advantages or authority have naturally dictated. Many of the *Undang undang* contain the mere regulations for the collection of the duties for trade and the peculiar observances of the Port : while others ascend to the higher branches of civil and criminal law.

From the comparatively rude and uncivilised character of the Malay, neither learned disquisition, nor even general argument, is to be looked for ; but simple ideas, simply expressed, may illustrate character better than scientific arrangement or refined composition ; and, in this point of view, however local or particular the subject may be, the Institutes and Regulations of so extensive a maritime nation must be interesting.

Considering, therefore, that a translation of their Codes, digested and arranged according to one general plan, might be as useful in forming and insuring a more secure intercourse among this extraordinary and peculiar nation, as it might be interesting in illustrating the unjustly degraded character of so extensive a portion of the human race hitherto so little known, whether with respect to what they are, or what they were, I have long been engaged, as far as the severe duties of my public situation would admit, in collecting, at much trouble and considerable expense, Malay manuscripts of every description ; and particularly copies of the *Undang undang Malayu*, which, with the various collections of *Adat*, or immemorial customs, and what may be usefully extracted from the *Sejara* and *Akal Malayu*, or annals and traditions of the Malays, comprize what may be termed the whole body of the Malay laws, customs, and usages, as far as they can be considered original, under the heads of Government Property, Slavery, Inheritance, and Commerce.

On the Eastern side of Sumatra, the Malay States of Achin and Palembang may be considered as of the most importance. From these States I already possess one copy of the *Undang undang Achih*, with a short account of the *Undang undang Siak*. Further copies of these, as well as of the Institutes of Palembang, I have reason to believe, are within my reach.

The laws of Achin are peculiar, on account of the severity of the criminal laws ; and although it may be presumed that they were borrowed from the more ancient inhabitants of the Island, they are interesting in as far as they may have been generally adopted by

the Malays in the Straits of Malacca; and may have given rise to that sanguinary disposition by which they are usually characterised.

Those of Siak have a peculiar interest from the long established connection between that State and the *Undang undang* source in the interior. The Siak River takes its rise in the Menangkabau country, and has obviously been the principal outlet from the rich and populous countries in the interior, of which so little is known.

The Malay customs and usages on the West Coast of Sumatra, I apprehend to be so much blended with those of the more original inhabitants of the Island, that even if there was a State among them of sufficient importance to have its own Institutes, it would scarcely deserve consideration in the general arrangement of what is purely Malayan; and they are, consequently, unattended to.

Of the Malay Peninsula, the principal States entitled to notice on the Western side are those of Kédah, Malacca, and Johor; and on the Eastern those of Trěnggānu, Patānī, and Pahang. From these I have obtained and collected several copies of the *Undang undang Kédah*, the *Undang undang Malaka*, and the *Undang undang Johor*. The States on the Eastern side of the Peninsula, with the exception of Patānī which has been considerably influenced by the Siamese, seem generally to have admitted the superiority of the Malay Government, first established at Singapore and afterwards at Johor.

On the Island of Borneo, the several Malay States have Regulations and Institutes peculiar to each; not differing in any material degree from those of the Peninsula. Some of these I have already obtained, and others are in part transcribed.

The Malayan Code, stated to have been compiled during the reign of Sultan MAHMUD SHAH, of which I have three copies, treats principally of commercial and maritime usages; and is, in these branches, intended to form the text; whilst the Institutes of Johor, from the intimate connection which appears always to have existed between Malacca and the Southern part of the Peninsula, may be useful as a supplement on these points; at the same time that it will branch out into civil and criminal law generally and the general principles of communication between the different States.

The Kĕdah Code may, in like manner, form the text for such part of the Institutes as may be most usefully applied in the intercourse of Europeans; and will tend to a general understanding of the character and usages of the Malay countries in the immediate vicinity of the British Settlements. This State, until the establishment of the English at Pulo Pinang, possessed respectable commerce; and still retains its Malayan Government and Institutions, though reduced in importance, and applicable only to internal affairs.

The Institutes of the smaller States, as of Sĕlångor, Pĕrak, and others, may only require notice as far as they differ from the general Codes of the superior States.

As the population of the Malayan Peninsula has excited much interest, my attention has been particularly directed to the various tribes stated to be scattered over the country.

Those on the hills are usually termed *Semang*, and are woolly-headed; those on the plains *Orang benua*, or people belonging to the country, the word *benua* being applied by the Malays to any extensive country as *benua Chĭna*, *benua Kĭing*; but it appears to be only the Malay plural of the Arabic word *bin* or *beni*, signifying a tribe. The early adventurers from Arabia frequently make mention in their writings of the different tribes they met with to the Eastward; and from them, most probably, the Malays have adopted the term *Orang benua*.

I had an opportunity of seeing two of those people from a tribe in the neighbourhood of Malacca. It consisted of about sixty people. The tribe was called *Jokang*. These people, from their occasional intercourse with the villages dependent on Malacca, speak the Malayan language sufficiently to be generally understood; they relate that there are two other tribes, the *Orang benua* and the *Orang udai*. The former appears the most interesting as composing the majority; the latter is only another name for the *Semang* or *Kafris*.

From the intercourse and vicinity of the *Jokang* tribe to Malacca, they have adopted many Malay words not originally in their language; and the following short specimen may, perhaps, tend to illustrate their connection, and to evince how far they possess a peculiar language. They are not circumcised, but appear to have re-

ceived some instruction regarding *Nabi Isa*, or, as they pronounce it, *Isher*. They have no books or peculiar word for God, whom they designate by *Deus*, evidently Portuguese. The men are well formed, rather short; resembling the Malays in countenance, but having a sharper and smaller nose. They may have but one wife, whether rich or poor, and appear to observe no particular ceremony at their nuptials; the consent of the girl and that of the parents once obtained, they are united as man and wife.

The *Jokang* language, in general, coincides with the Malay, as in the following instances:—

Earth	...	...	...	...	...	Tanah
Fire	...	...	...	...	...	Api
Fish	...	...	...	...	...	Ikan
Bird	...	...	...	...	...	Burong
Eye	...	...	...	...	...	Mata
Nose	...	...	...	...	...	Hidong
Teeth	...	...	...	...	...	Gigi
Belly	...	...	...	...	...	Prut
Sun	...	...	...	...	...	Mata-hari
Mouth	...	...	...	...	...	Mulut
Eyebrow	...	...	...	...	...	Këning
Old	...	...	...	...	...	Tuha
Good	...	...	...	...	...	Baik

The numerals are also the same as in Malay.

In the following instances they differ from the Malay:—

Moon	...	...	...	...	Hunter Ishub (the) laid spirit.))
Stars	...	...	...	...	Chiang
Water	...	...	...	...	Yehs
Tiger	...	...	...	...	Kokang
Dog	...	...	...	...	Kayape
Bear	...	...	...	...	Seho
Elephant	...	...	...	...	Berenkel
Rhinoceros	...	...	...	...	Vesaki
Foot	...	...	...	...	Tamen
Child	...	...	...	...	Merbodo
Infant	...	...	...	...	Opayet
Arrows	...	...	...	...	Tornan
House	...	...	...	...	Cheringu

Head	...	...	.	...	...	Retah
Wild-hog	...	...	...	...	...	Chang Khok
Devil	...	...	...	...	...	Choling

As the relations that may have existed between the State of Menangkabau on the Island of Sumatra and the Malay Peninsula is not generally known, the following translation of a Malay manuscript, to which I give some credit, may be interesting. The circumstances related are without date or authority, but it is in a great degree confirmed by the general history of Johor, and the present state of the country in the neighbourhood, as well as by the existence at this day of another Malay State of considerable extent, situated in the interior of the peninsula, and deriving its authority from Menangkabau in Sumatra. The State alluded to is that of Rambau, inland of Malacca, the Raja of which, as well as his Officers, receive their authority and appointments from Sumatra. Communication is carried on in the Malay Peninsula, through the River Linggi in the neighbourhood of Malacca, and that of Siak on the Sumatra side. The Malays of Rambau, with whom I have now had frequent communication, adopt the broad dialect of the Malays of Sumatra; changing the *a*, at the end of a word into *o*,—a peculiarity which may be still observed among many of the inhabitants of the southern part of the Peninsula:—

“Many years ago, the Raja of Johor had an only daughter, the fame of whose beauty reached the ears of the illustrious son of the Raja of Menangkabau, whose residence is at Pagaruyong in Pulau Percha and whose power is mighty. The young Prince enamoured with the enchanting descriptions of this beauty, entreated his father’s permission to make the voyage to Johor for his recreation, and the Raja his father was pleased to comply with his request.

“The young Prince accordingly embarked from the shores of Pulau Percha, attended by a numerous retinue suited to his high rank and splendid fortune.

“On the arrival of the Prince from the Island of Sumatra in the Straits of Johor, he was desirous of immediately proceeding up the river, but the Raja of Johor, alarmed at the unexpected appearance of so large a fleet with a Royal Standard, refused him admittance. The Prince, determined on proceeding, entered the River; and being opposed by the *Johorians* a severe battle ensued,

in which the men of Johor were defeated, and obliged to retreat in confusion.

“On the result of the action being made known to the Raja of Johor, he assembled his Nobles and Officers of State, and advised with them as to the conduct that should be pursued, fearful that the men of Johor, who were worsted in the first engagement, might not have the power or courage to stand in a second. It was their unanimous opinion, that the Prince should be invited to proceed up the River on friendly terms, and the Prince was accordingly invited.

“The Prince lost no time in proceeding with his suite up the River, where they landed from the Royal Prabu, and he was received as a Raja high in rank. The Raja of Johor then enquired of him the business that had brought him there, and what were his wishes, to which the Prince replied, that he was enamoured of his daughter, and came to solicit her in marriage. The Raja, having consulted with his Nobles and Officers of State, agreed to the marriage; and a place was allotted for the residence of the Prince and his followers. In a short time the Prince was married to the daughter of the Raja, and they lived together in the district that had been allotted to them; and their happiness increased every day. How long did this last?

“The Prince soon became delighted with his Princess, and so pleased with the attentions of the Raja of Johor, and the compound or district allotted to him, which now bore the name of *Kampung Menangkabau*, that he thought not of returning to the territories of his Royal father, but remained in Johor with his followers; many of whom married with the women of Johor, so that their numbers increased daily.

“The Raja of Johor having afterwards conferred on the Prince the title of *Yang Dipertuan Kechil*, and, in consequence, given him considerable power and authority in Johor, the Prince exercised it with great severity. The increasing consequence of the Prince, added to his severity, alarmed the Raja Muda's friends and adherents, who were very numerous, and they consulted as to the measures that should be taken. The Nobles were so enraged that the power of Government was almost entirely taken out of the hands of the men of Johor, and that a stranger should assume au-

thority, that they respectfully submitted the circumstance to the serious consideration of the Raja, requesting that the whole of the Menangkabaus might be removed from Johor, or they would be soon enslaved by them.

‘The Raja listened not to their request ; and the Raja Muda becoming more enraged, he again assembled his friends and adherents, and the number of those who were dissatisfied with the Menangkabaus being allowed to remain in Johor becoming very great, they unanimously agreed, to the number of above eight hundred, to proceed, with long crises, into the compound of the Menangkabaus and put them to death ; this resolution being fixed at midday. They were desirous, however, of securing from danger the daughter of the Raja, and, accordingly, previous to the attack, a few men entered the compound at sunset unobserved, and brought the Princess in safety to the Raja Muda.

“The Prince, entering the apartment where he expected to find the Princess, searched in vain for her ; and aware of the enmity of the Raja Muda, he instantly assembled all the Menangkabaus : the gong was sounded and all were in arms.

“Accompanied by all the Menangkabau men who were in the compound at the time, the Prince sallied forth in search of his Princess ; no sooner were they without the compound than the Raja Muda, hearing them approach, advanced against them ; a severe battle ensued, which lasted from before midnight until daylight next morning, and in which four hundred of the men of Johor were slain.

“In the morning the Prince re-entered the compound, and was closely followed by the remaining force of the Raja Muda ; these, however, were soon slain to a man by the Menangkabaus, and the Raja Muda only escaped with his life, having taken the precaution of returning to his house unobserved, before daylight.

“The Prince, exasperated at the treacherous conduct of the men of Johor, and offended that the Raja should permit the Raja Muda thus openly to attack him, proceeded the next morning with all his men in order to give battle to the Raja himself, to revenge the ill-treatment he had received, and, if possible, recover the Princess, his wife. A severe engagement took place, which last-

ed all day, and with the darkness of the night, the men of Johor fled in every direction.

“The Raja proceeded to Tringgânu, and the Raja Muda with his family took shelter in a neighbouring wood.

“Intimation of the place of the Raja Muda's retreat being conveyed to the Prince, he immediately proceeded thither, and completely surrounded him. The Raja Muda finding himself in this extremely awkward position, and no hope of escape left, put his family to death one by one, in order that they might not fall into the hands of the enemy; after which he went forth from the interior of the wood and endeavoured to rush through the Menangkabaus who surrounded it, but in vain; being repulsed in every direction he threw down his sword, and was in a few moments slain. The Prince having thus revenged himself on the Raja Muda, and finding that the Raja of Johor had fled to Tringgânu, pursued him thither. On the Prince's arrival at Tringgânu he demanded of the Raja, that the Raja of Johor should be given up to him, and the Raja of Tringgânu complied with his request; and the Raja of Johor being delivered up was immediately put to death by the enraged Menangkabaus.

“The Prince then recovered his wife from the Raja of Tringgânu with whom she had been left by her father; and having remained a few days at Tringgânu, he returned with his followers to Johor. At Johor he remained till such time as the Prahus could be repaired and victualled for the voyage, and then embarked with the Menangkabaus for the kingdom of his father.

“Several, however, of the Menangkabaus remained in the country of Johor, in consequence of their being united in marriage to the Johor women. The country of Johor, which was previously well cultivated, was soon overgrown with wood; but the compound in which the men of Menangkabau resided, still bears the name of “Kampong Menangkabau;” and many people are still to be found scattered over the country who call themselves Menangkabaus, as it was for many years that the Prince resided in that country, and those connected with him and his followers had become very numerous.”

The ancient connection that existed between Malacca and Johor is particularly noticed in Malayan History, according to which, the first Raja of Malacca, Sultan ISKANDER SHAH, afterwards, on his embracing the Mahomedan faith, called Sultan MAHMUD SHAH, is supposed to have been a Raja of *Singapura* (an ancient Malay State near the site of Johor), who had taken refuge there on his kingdom being invaded and destroyed by an armament from the Island of Java. The subsequent flight of the Malacca Raja to the Southern part of the Peninsula, on the establishment of the Portuguese, is related in several Malay books in my possession; from one of which the following is a literal translation. Malacca is considered as the principal State on the Peninsula. The fall of its native Government is interesting, although the records must be of modern date. Sultan MAHMUD SHAH, the present Raja of *Lingga* and *Rhio*, whither the seat of Government has long been transferred from Johor, still traces his descent from the Rajas of Malacca.

Translation of a Malayan Manuscript entitled a History of former times, containing an account of the arrival of the Portuguese at Malacca.

“It is related, that ten Portuguese vessels from Manila arrived at Malacca for the purpose of trade, during the reign of Sultan AHMED SHAH, at a time when that country possessed an extensive commerce, and everything in abundance; when the affairs of Government were correctly administered, and the officers properly appointed.

“At the time that their ships arrived, the fort was composed of *Nibong alas*; how many Portuguese entered the fort, and with what presents of gold, of dollars, of cloths, and of Manila chains, did they present themselves before the Raja, and how pleased to excess was Sultan AHMED SHAH with the Portuguese; whatever the Commander required, Sultan AHMED SHAH was ready to grant; but how many of the *Bëndahâra* and *Tëmënggongs*, with due obedience, urged the Raja to be on his guard against the Portuguese, ‘for,’ said they, ‘the most experienced among us does not recollect a misfortune so great as the arrival of the Portuguese;’ to this the Raja would reply ‘alas! revered Bëndahâra and you respected Tëmënggongs, you know nothing when you

‘state that these white men will do what is wrong in our country.’

“For forty days the Portuguese ships traded at Malacca, but still the Portuguese Commander remained on shore presenting dollars by the chest, and gold; and how many beautiful cloths did he present to the illustrious Sultan AHMED SHAH, so that the Sultan was most happy.

“The Bëndahâra and the Tëmënggongs still remained of the same opinion respecting the Portuguese, and were not well inclined towards them; but finding that their representations were not attended to, nor well received by the Raja, they ceased to make them. To how many of the rich and great men did the Commander of the Portuguese present Manila chains, and how pleased was every one with the Portuguese; the Bëndahâra and the Tëmënggongs were alone dissatisfied.

“After this Sultan AHMED SHAH said to the Commander of the Portuguese, ‘what more do you require from us that you tender us such rich presents?’ To this the Commander replied ‘we only request one thing of our friend, should he still be well inclined towards the white men;’ whereupon Sultan AHMED SHAH said ‘state what it is, that I may hear it, and if it is in my power I will comply with the request of my friend.’ The Portuguese answered, ‘we wish to request a small piece of ground to the extent of what the skin of a beast may cover;’ ‘Then,’ said the Raja, ‘let not my friends be unhappy; let them take whatever spot of ground they like best to the extent of what they request.’

“The Captain highly rejoiced at this; and the Portuguese immediately landed, bringing with them spades, bricks and mortar. The Commander then took the skin of the beast, and, having rent it into cords, measured therewith a piece of ground with four sides, within which the Portuguese built a store house of very considerable dimensions, leaving large apertures in the walls for guns; and when the people of Malacca enquired the reason of the apertures being left, the Portuguese returned for answer, ‘they are apertures that the white men require for windows,’ so that the people of Malacca were satisfied and content. Alas! how often did the Bëndahâra and the Tëmënggongs approach the Raja with a request that the white men might not be permitted to build a large house; but the Raja would say, ‘my eyes are upon them, and they are few

'in number; if they do what is wrong, whatever it may be, I shall see it, and will give orders for their being massacred;' literally, 'I will order men to *amok* (or, as it is vulgarly termed, *run amok*) 'among them;' notwithstanding this, the Bëndahâra and the Tēmōnggongs remained dissatisfied in their hearts, for they were wise men.

"After this, the Portuguese, during the night, conveyed into their store-house cannon, and they landed small arms packed in chests, saying the contents were cloths; and in this manner did the Portuguese deceive and cheat the people of Malacca.

"What the Portuguese next did, the people of Malacca were ignorant of; but it was not long before the store house was completed; and when all their arms were in order, then it was that at midnight, at a time when the people of Malacca were asleep, that the Portuguese began to fire off their guns from the Fort of Malacca.

"They soon destroyed all the houses of the people of Malacca, and their *Nibong* Fort; and it was during the night when the Portuguese first attacked the people of Malacca, that Raja AHMED SHAH with his people, fled in all directions, for none could remain to oppose the Portuguese.

"Thus did the Portuguese gain possession of Malacca; whilst Sultan AHMED SHAH fled to Moar, and from thence, in a short time, to Johor, and afterwards to Bintan, to establish another country; such is the account of the Portuguese seizure of the kingdom of Malacca, from the hands of the Sultan AHMED SHAH.

"It is related, that the Portuguese remained in quiet possession of the country of Malacca for three years; after which they sent letters to their great country, which is called Goa, giving an account that the kingdom of Malacca was conquered. As soon as this intelligence arrived, the Raja of the Portuguese was exceedingly happy, and in about two months after he answered the letters, and ordered the Portuguese to build the Fort at Malacca of iron-stone, and that the form of the Fort should be like that at Goa; such was the occasion of the Fort of Malacca resembling that of Goa.

“As soon as the letters arrived at Malacca from the Raja of Goa, the Portuguese who were in Malacca ordered such of the people as had remained there to bring iron-stones for the Fort from Kwala Linggî, Perlan Upi, Batu Bras, Pulau Java, a small Island near Malacca, from Telur Mass, from Pësan Pringgi, from Pulau Burong, and from the country in the interior of Malacca; and the price the Portuguese paid for them, was at the rate of 30 dollars per 100 stones of large, and 20 dollars per 100 stones of small size. For the eggs which they used in their mortar, the Portuguese paid at the rate of a *wang bharu* (new coin) for each. For lime (*kapur*) they paid fifteen dollars for a *koyan*; and the coolies employed digging away the hill, were paid at the rate of half a dollar each for one day's work. During thirty-six years three months and fourteen days the Portuguese were employed in the construction of the Fort; and then it was completed.

“From this time the Portuguese remained in quiet possession of Malacca about nine years and one month, when the country once more began to flourish, and the trade became extensive on account of the quantities of merchandise brought there from all quarters. Such is the account of the country of Malacca under the Portuguese.

“It is related, that after this period a Dutch vessel arrived at Malacca for the purpose of trading; the vessel's name was *Afterlonden* and that of the Captain IBER. The Captain perceived that Malacca was a very fine place, and had a good Fort, therefore, after the Dutch vessel had traded for fifteen days he set sail for Europe, and arriving after a considerable time at the great country, he gave intelligence to the great Raja of what he had seen of the beauty of Malacca, the extent of its commerce, and the excellence of its fort. On this the Raja of Europe said, ‘If such is the account of Malacca it is proper that I should order it to be attacked;’ twenty-five vessels were thereupon ordered there by the Raja of Europe for the purpose of attacking Malacca, and, troops being embarked on each, they first set sail for the kingdom of Bantam in the country of Java, where the Dutch were in terms of friendship.

“At Bantam they found two Dutch ships and a ketch, and after having taken on board buffaloes and provisions for the use of the persons on board the vessels, they sailed for Malacca.

“As soon as the fleet arrived at Malacca the Commander sent a letter to the Portuguese, telling them to hold themselves in readiness, as it was the intention of the Dutch to commence the attack on the morrow at midday. To this the Portuguese replied, ‘come when you please we are ready.’

“On the next day the Dutch commenced the attack, and the war continued for about two months, but the country of Malacca was not carried; and the Dutch returned to Bantam, where they remained quiet for some time with the intention of returning to Europe; but all the great men on board the vessels feeling ashamed of what had happened, held consultation respecting another attack on Malacca; they then proceeded against it a second time, but it did not surrender. The Dutch then sent a letter off to Johor in terms of friendship to the Sultan, requesting his assistance in the attack of Malacca: with this the Raja of Johor was pleased, and an agreement was entered into between the Raja of Johor and the Dutch, which was sworn to, so that the Dutch and Malays were as one as far as concerned the taking of Malacca. An agreement was made that the Dutch should attack from sea, and the people of Johor by land; if the country surrendered the Dutch were to retain the country and the cannon, and everything else that might be found within Malacca was to be equally divided between the Dutch and the people of Johor.

“When the terms were agreed upon, the men of Johor and the Dutch sailed for Malacca; and after fighting for about fifteen days from the seaside, many were slain, as well Portuguese as Malays and Dutch. The Malays then held a consultation and began to think that if they fought against the white men according to this fashion, Malacca would not fall in fourteen years.

“It was therefore, agreed upon by all the Malays, that fifty men should enter the Fort of Malacca and run *amok*.

“The Malays then selected a lucky day; and on the 21st of the month, at 5 o'clock in the morning, fifty Malays entered the Fort did *Méngamok*, and every Portuguese was either put to death or forced to fly into the interior of the country, without order or regularity.

“On this all the Malays plundered to a great extent in Malacca, and the whole was divided between the men of Johor and the

Dutch, according to their agreement.

“The men of Johor then returned to their country, and the Dutch remained in possession of Malacca; and from that time to the present, the Dutch and the men of Johor have been on the strictest terms of friendship.

“This is the account of former times.”

To return to the subject of the *Undang undang Malayu*, it will appear, from what I have previously stated, that the collection, as far as regards the Malayan nation separately, is nearly completed, but as I have in view the more extensive plan of embracing the original institutes of the various nations among the eastern Islands, some time may elapse before it may be in any considerable degree of forwardness.

Of those there will be the institutes of Java and of the Bugis States on the Island of Lelakassun, which are first in importance.

On the Island of Java there are several *Undang undang* celebrated to the Eastward, but as the whole Island of Java was once under the dominion of the ancient Emperor of Susubouang GIKE AROROT that is still acknowledged to a certain extent, these may no doubt be traced to one source and authority; the difficulty that has hitherto existed in communicating with Java in consequence of the Dutch establishment, has prevented the acquisition of the most importance. The Javanese laws are arranged in native codes of considerable antiquity, and were collected many years back by the Dutch Government for the guidance of their different officers; of this collection I possess a copy, which will at any rate assist in the compilation or translation of more genuine codes from native authority, whenever circumstances may admit of a communication being opened with the Javanese Rajas and Nobles.

From the Bugis and Macassar nations of Tanah Ugi (Celebes) I have already received detached parts of the *Undang undang*; but the copies that have yet reached me are so incomplete and inaccurate, and bear such recent traces of being but imperfect transcripts from a better digested and regular code, that they cannot be depended on, and rather excite than satisfy enquiry. I have long adopted

measures with the view of obtaining if not originals at least more perfect transcripts, in which I have every reason to expect I shall be successful. The two principal codes on this Island are those of Macassar and Boni. The laws as well as the history of the Bugis States are of considerable antiquity, perhaps far exceeding those on the Island of Java; these are preserved in books, the greater part of which are extant, but only to be found in their purity inland.

With respect to the Sulu Islands, I have a short account of their laws and usages, though no regular code. Several interesting particulars connected therewith have been collected by Mr. ALEXANDER DALRYMPLE, and printed in the "Oriental Repository."

Of the Moluccas, I have not yet been able to obtain further information than what has tended to confirm, in every respect, the detailed and full account given by VALENTYN; but as these Islands have lately fallen into the hands of the English, whatever may be desiderated from that quarter may easily be obtained. Though the interior of the Islands still possesses an original population, their government has long been Malayan.

As nothing beyond an imperfect description of a few original tribes has yet been obtained respecting the inland population of Borneo, it may be inferred, that as there appears to have been no original nation of authority, or of extent adequate to reach the shore or to be known by any of the States that have been established on the coast, their institutes, if they possess any, cannot be important, as they have not had any effect on the general population of the Eastern Archipelago.

On Sumatra, Mr. MARSDEN has so well and diligently trodden the ground, that we cannot, perhaps, contrary to his assertion, expect to find written laws and institutes among any of the original nations.

The compilation that has been made by the English Resident will form a valuable standard for comparison with the laws and customs of the more Eastern Islands, but at the same time a more extensive research into the interior, if unsuccessful in its principal object, cannot fail to be interesting, in as far as it may lead to a more intimate acquaintance with the Battas and Menangkabaus;

the former of which may be considered as the original population of the Island, while the establishment of the Menangkabaus may be compared to that of the Moguls on the Continent of India. In the *Ketchehalima*, or "Fine times of the Battas," adopted by the Malays, of which I have a copy, the divisions of lucky and unlucky times for undertaking any affair are expressed by the terms *Masewara Bisma Bihana Sulala*, or, more correctly pronounced, *Mukiswara Wishna Birahana Sulala*, corresponding to the Hindoo Deities.

The table for calculating superstitions is extremely simple.

To the collection that has already been made of the various laws and usages of the Malays, Sumatrans, Bugis, Maccassars, and Sulus, must be added the Mahomedan Laws of Inheritance, printed by the Dutch at Batavia in 1760, in 102 articles, Dutch and Malayan; of this I possess a copy.

As the collection is so various and extended, the compilation must necessarily be deferred until the best authorities procurable can be referred to, and, if possible, the leading native courts visited. I request to present to the Asiatic Society a sketch of the Maritime Code of the Malays as translated from the duplicate copies I have brought with me to Bengal, and which, when corrected by more original copies that I may hereafter obtain, and elucidated by notes corresponding with the general plan of the undertaking, I purpose shall form six books of the Malay Laws.

In tracing back the Malayan laws to that of the more ancient nations on the Islands of Sumatra, Java, and Celebes, and from thence perhaps, on one side to the Continent of India, and on the other to the large Islands in the South Seas, a wide field will be opened for research, as well into the original, as into those extraordinary languages which, in the proportion that they are correctly spoken or written, seem to approach the Sanscrit.

The comparatively modern origin of the Malays is a fact so generally admitted, and universally supported by all their writings and traditions, that it is difficult to account for the extraordinary opinion laid down by the author of the sketch * of an intended

* Entitled "A Rough Sketch of part of an intended Essay towards ascertaining deducting, elucidating and correcting established Muniments of the Jahwa or Jahwi Language, vulgarly called the Malay Language," by S. S., published at Prince of Wales' Island, in 1807.

Essay on the Malayan language, that the Arabians and Persians have borrowed their present alphabetical characters from the Malays, an opinion that could only hope to attract attention from the confident manner in which it is asserted. The proofs that seem to have occurred to the writer of the language being from the primeval stock of Java, and one of the sons of Japheth, the third son of Noah, from the roots of the old Persian and the Sanscrit and Arabic derivatives and compounds which have been formed, may as well be adduced in supporting a similar comparison between the English and Latin tongues; we should be rather surprised to find the former, from the number of ancient words it has adopted, asserted to be the parent of the Roman tongue.

It is easy and natural to account for the Malays having, in their religion, adopted the written character of the Arabs; and I have no hesitation in asserting, that neither Malay writings nor inscriptions, in their present character, can be traced back to periods of greater antiquity than the alleged invention of the modern Arabic alphabet, or beyond the epoch at which the great intercourse between the Arabian and the Eastern nations took place. Admitting however, that more early writings did exist, there is no reason why they may not have been preserved in Sumatra in the more ancient and original characters of the Battas, the Rejangs, or the Lampongs; in Java and the Balatas, in the characters of the Javandore and Bugis nations; and even in the Malay Peninsula, by a modified character of the Siamese.

For the component parts of the Malayan language, as it at present exists, and the sources from whence we must trace the origin of the nation and its language, I beg to refer to the enlightened statement, printed in the transactions, by the author of the "Essay on the Indu-Chinese Nations," whose enlarged views and determined position will, I am convinced, be the more confirmed and verified, in the proportion that they may be enquired into.

The most obvious and natural origin of the Malays, is that they did not exist, as a separate and distinct nation, anterior to the arrival of the Arabians in the Eastern Seas. At the present day they seem to differ from the original nation from which they sprung, in about the same degree as the Chuliah or Kling differs from the Tamul or Telinga on the Coromandel Coast, or the Mapillas of Mar-

taban differ from the———,* both which people appear, in like manner with the Malays, to have been gradually formed as nations, and separated from their original stock by the admixture of Arabian blood, and the introduction of the Arabic language and Moslem religion.

The word *Jawi*, so much insisted on, is the Malay for anything mixed or crossed, as when the language of one country is written in the character of another, it is termed *Bhasa Jawi*, or mixed language, or when a child is born of a Kling father and Malay mother, it is called *Anak Jawi*, a child of a mixed race: thus the Malay language being written in the Arabic character is termed *Bhasa Jawi*, the Malays, as a nation distinct from the fixed populations of the Eastern Islands, not possessing any written character whatever but what they borrow from the Arabs.

With respect to the Maritime Code, which I have now the honour to lay before the Society, it has been selected on account of its singularity. The power of life and death vested in the *Nacodah* may be considered as purely Malayan, or at any rate to have had its origin in the Eastern Islands, the Arabs, from whom alone they could have borrowed a foreign Sea Code not possessing, as far as I have been able to ascertain, any treatise whatever on Maritime Law or in any instance admitting the authority of the *Nacodah*, or Captain, of a vessel to inflict capital punishment. In this point of view, the paper, even in its present state, may not be uninteresting, while it may tend in a slight degree to account for, if not reconcile, some of the peculiarities of a nation generally believed to be guided solely by individual will and passion.

* Unintelligible.